

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

15

INFORMATION

TOPIC

**Notice of Intended Action – Chapter 61 – Water Quality Standards
(Antidegradation Policy and Implementation Procedures)**

The commission will be asked to approve a Notice of Intended Action regarding proposed rulemaking to amend the state's antidegradation policy and new implementation procedures.

Antidegradation policy is one of the three components of water quality standards (i.e. designated uses, water quality criteria to protect those uses, and antidegradation policy). The purpose of the antidegradation policy is to set minimum requirements for the state to follow in order to conserve, maintain, and protect existing uses and water quality. The department is required by 40 CFR 131.12(a) to develop and adopt a statewide antidegradation policy and to identify procedures for implementing the policy.

The department is proposing a four-tiered approach and guidance document establishing procedures for implementing the antidegradation policy. The previous draft versions of the antidegradation policy rule, implementation procedures, and other related items can be found at the following web address: <http://www.iowadnr.gov/water/standards/antidegradation.html>.

The four-tiered approach includes:

Tier 1. Existing surface water uses and the level of water quality necessary to protect the existing uses will be maintained and protected.

Tier 2. Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless a review of reasonable alternatives and social and economic considerations justifies the degradation. Such a review will need to be demonstrated in an alternatives analysis, which is an evaluation that must explore non-degrading and less-degrading pollution control measures.

Tier 2 ½ - Outstanding Iowa waters. Where high quality waters constitute an outstanding state resource, such as waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

Tier 3 - Outstanding national resource waters. Where high quality waters constitute an outstanding national resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

The department will be providing the Commission latest version of the rule and implementation procedures prior to or at the September 9th EPC meeting. Several concerns were raised during the recent statewide open meetings require additional research and review. This review process and potential revisions to the implementation procedures will result in a stronger rule package moving forward and minimizes delays in the department's timelines for rule completion.

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